

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



November 24, 2014

Holland & Knight LLP
800 17th Street, N.W., Suite 1100
Washington, D.C. 20006

Attn: Leila M. Jackson Batties, Esq.

RE: Walter Reed Army Medical Center -- Parcel 54

Dear Ms. Batties:

This letter serves as a follow up to our meeting on October 1, 2014, regarding the non-conforming status of the existing buildings situated on that certain 13.25 acre parcel in the northwest section of the Walter Reed Army Medical Center ("WRAMC") campus, known as "Parcel 54" (the "Property"). An aerial view of the Property is attached. It is my understanding that Children's National Medical Center ("CNMC") is negotiating the acquisition of the Property in order to relocate its Research Institute to the site. You seek confirmation of (1) the zoning district for the Property, (2) the non-conforming use status for the existing structures on the Property and (3) whether the District can issue building permits for repairs, alterations, and modernizations to the structures on the Property.

Following is a discussion on these matters.

Background on Property

The Property consists of 13.25 acres located in the northwest section of the WRAMC campus. It is within that portion of the campus that is to remain under the ownership/control of the federal government after the transfer of approximately 66.5 acres of the balance of the campus to the Local Redevelopment Authority. The Property is improved with a parking structure and four buildings: Building 54, Building 53, Building 52, and Building 3. The following is a description of each building and the previous use(s) for each:

Building 54: Building 54 was purpose built in 1955 as the home of the Armed Forces Institute of Pathology. It served as the clinical and research laboratories for the Army Pathology Group, which involved analyzing and categorizing tumors and other pathological samples. Building 54 housed a large historic and working collection of tissue slides. Other laboratory research on the site included the discovery and testing of Kevlar. The building also served as the administrative offices of the Army's Pathology Research Group. In 1972, a wing was added to Building 54 that housed the Military Medical Museum. The museum included public display

areas and a theater for showing informational films. The laboratory and office spaces for the Amy Pathology Group were expanded onto the floors above the museum. There are approximately 180 laboratory units within the building.

Building 53: Building 53 was the original Walter Reed Post Theater. It was converted to a lecture hall for the Uniformed Services Medical School during the 1970s. There was also a small outpatient dispensary in the building, for which the shelves remain.

Building 52: Building 52 was originally a warehouse and goods storage facility. During the last 15 years, the upper floor of the building was converted to an outpatient clinic for cardiology.

Building 3: Building 3 is a parking structure.

Proposed Use of Property

The existing buildings and improvements are in fairly good condition and suitable for their continued use of the Property for research and laboratory facilities, office/administrative space, and outpatient clinical activities. As such, CNMC seeks to acquire the Property in order to operate its Research Institute. The proposed use of the Property would be nearly identical to the prior use, including the specific uses within the existing structures, as follows:

Building 54: Building 54 will be used for laboratory research and administrative offices for current pediatric and medical research projects and future research expansion. The proposed use of the building is nearly identical to its prior use.

Building 53: Building 53 will be used as a lecture and meeting facility focused on biomedical research topics but may also be available to the community for other meetings. The proposed use is essentially the same as the prior use of the building.

Building 52: Building 52 would continue to serve as a warehouse and goods storage facility for Children's National. The upper floor clinic would be used for outpatient clinic space using its current layout. The proposed use is the same as the prior use of the building.

Building 3: The existing parking structure would provide off-street parking for employees and patients of the Research Institute. The use of the structure is the same.

Zoning Regulations

Zoning District. In this case, according to the attached certification from the Office of Zoning, the Property is zoned R-1-B. The R-1 District is designed to protect quiet residential areas not developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes. 11 DCMR § 2000.1.

Non-Conformation Status. The uses proposed for the Property by CNMC are not permitted in the R-1-B District as a matter of right. However, since the existing buildings on the Property previously housed these uses prior to the site's zoning, the buildings and uses are deemed legal non-conformities under the Zoning Regulations. 11 DCMR § 2000.5.

Issuance of Building Permits. The Zoning Regulations state that no building permit or certificate of occupancy shall be issued nor proceedings instituted before the Board of Zoning Adjustment nor shall any property in private ownership be used for any purpose until after the Zoning Commission has designated zoning for the Property. 11 DCMR § 2000.7. In this case, the Property is zoned R-1-B. Therefore, permits may be issued for repairs, alterations, and modernizations to the structures on the Property.

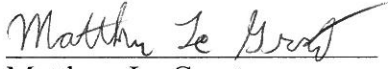
Conclusion

According to the DC Office of Zoning the Property is zoned R-1-B [see attached Attestation dated 9-22-14]. Although the existing structures and their prior uses are not permitted in the R-1-B District, they are deemed legal nonconformities under the Zoning Regulations. Therefore, CNMC's proposal to continue the previous uses would be allowed. Further, permits may be issued for ordinary repairs, alterations and modernizations to the structures on the Property, subject to the following:

- A nonconforming use shall not be extended to portions of a structure not devoted to that nonconforming use or another structure. 11 DCMR 2002.3.
- Ordinary repairs, alterations, or modernizations may be made to a structure or portion of a structure devoted to a nonconforming use. Structural alterations shall not be allowed, except those required by other municipal law or regulation; provided that structural alterations shall be permitted to a lawfully existing, nonconforming flat or apartment house located within a Residence District. 11 DCMR 2002.4.
- A structure devoted to a nonconforming use shall not be enlarged, except if the enlargement is to be devoted to a conforming use. 11 DCMR 2002.5.

Please do not hesitate to contact me, if you have any further questions on this matter.

Sincerely,


Matthew Le Grant
Zoning Administrator

cc: John Postulka, Esq.

Attachments - Aerial View of WRMAC Areas
DCOZ Zoning Certification